

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Town of Midland consists of three parts:

PART A – THE PREAMBLE consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART B – THE AMENDMENT sets out the actual Amendment along with the specific policies to be added to the Town of Midland Official Plan, changes to Schedule ‘A’ and new Schedules ‘A1’ and ‘A2’.

PART C – THE APPENDICES consists of documents in support of this Amendment in the form of background information. This section does not constitute part of the actual Amendment.

Draft Official Plan Amendment

PART A – THE PREAMBLE

TITLE

The title of this Amendment is “Amendment No. X to the Official Plan for the Town of Midland”.

PURPOSE

The purposes of this Amendment to the Town’s Official Plan are as follows:

1. To redesignate the Subject Site from “Employment Area” to “Waterfront Mixed-Use” on Schedule ‘A’;
2. To remove the reference to the need for a Secondary Plan, and Section 3.1.5 f) on the Subject Site;
3. To provide an appropriate policy framework and more detailed mapping that are specific to the proposed redevelopment of the Subject Site; and,
4. To introduce a Development Permit System, that may be utilized for future development approvals on the Subject Site.

The re-designation will allow for a comprehensive redevelopment to occur on this important site in the Town of Midland. A vibrant mixed-use waterfront neighbourhood and tourist destination will be created in the long-term.

LOCATION

Amendment No. X applies to the three parcels of land that were the former location of Unimin’s mineral aggregate operations until its closure in 2012. The lands are located on Bayshore Drive.

To the north, the site has direct frontage and access on Midland Bay within Georgian Bay. The combined parcels have a shoreline frontage of almost 1,100 metres. To the east is Midland Bay and related marine uses. Lands to the south of the site includes Midland Rotary Trail (Municipal), Bayshore Drive and Huronia Park with established residential neighbourhoods beyond. To the west of the site are the Central Marine Marina and the Town Harbour and associated Harbourside Park. Downtown is located to the south-west, in proximity to the site.

BASIS

The site is currently designated as an “Employment Area” in the Town of Midland Official Plan. An associated Planning Justification Report provides the basis for this Official Plan Amendment. The Planning Justification Report concluded that this Amendment is justified, represents good planning, and is in the best interests of the Town of Midland for the following reasons:

- The Town of Midland officially adopted *The Unimin Waterfront Lands Master Plan* on June 24, 2013. This work is comprehensive, and included a full stakeholder consultation process;
- Since 2009, the Town has carried out a number of studies that have clearly identified the Subject Site as an appropriate candidate for conversion from an “Employment Area” designation to other, non-employment generating land uses. Specifically, the Town’s *Employment and*

Commercial Lands Strategy Update (2012), has clearly demonstrated that the supply of available employment lands in Midland far exceeds the anticipated demand. Based on this key conclusion, the Subject Site is not required to meet the long-term demand for employment lands in the Town, and can be considered as an excellent candidate for conversion;

- The proposed Official Plan Amendment, that facilitates the proposed development plan for the Subject Site, is considered to be:
 - “Consistent with” the Provincial Policy Statement;
 - “In conformity with” the Growth Plan and Amendment 1; and,
 - “In conformity with” the County of Simcoe Official Plan, both the in-force, and adopted, but not yet approved versions; and,
- The proposed Official Plan Amendment is considered a major Town-building initiative, and it facilitates a redevelopment strategy that:
 - Allows for a wide range of appropriate land uses, thereby offering a more sustainable, long-term mixture of uses that can meet present and future needs, as well as employment opportunities;
 - Enables the creation of a compact, complete mixed-use waterfront neighbourhood that is vibrant, walkable and offers a variety of housing options;
 - Promotes intensification, which will utilize brownfields land and infrastructure efficiently;
 - Integrates physically with the existing surrounding community and will be compatible with the abutting and adjacent uses;
 - Appropriately considers the potential for noise/vibration issues related to ongoing industrial activities located on the Midland Waterfront;
 - Enables a convention centre/tourist accommodation facility to be developed if the market wishes to pursue such development;
 - Includes an array of parks, open spaces and linkages;
 - Respects the local environment and supports efforts to enhance and protect ecologically important aspects of the Subject Site; and,
 - Ensures full public access to the waterfront.

PART B – THE AMENDMENT

INTRODUCTION

All of this part of the Amendment, entitled Part B – The Amendment, consisting of the following text and attached Maps 1, 2 and 3 constitutes Amendment No. X to the Official Plan for the Town of Midland.

DETAILS OF THE AMENDMENT

The Official Plan for the Town of Midland, is hereby amended as follows:

- Item 1:** Schedule ‘A’ to the Official Plan is Amended by redesignating the Subject Site from “Employment Area” to “Waterfront Mixed-Use”, and adding the “Waterfront Mixed-Use” designation to the legend, as shown on Map 1 to this Amendment.
- Item 2:** Schedule ‘A’ to the Official Plan is also Amended by removing the reference to the need for a Secondary Plan, and the reference to Section 3.1.5 f), as shown on Map 1 to this Amendment.
- Item 3:** The Official Plan is Amended by removing Section 3.1.5 f).
- Item 4:** New Schedules ‘A1’ and ‘A2’ are to be included into the Official Plan, as shown on Maps 2 and 3 to this Amendment.
- Item 5:** An Amendment to the first paragraph of Section 3.0, by deleting the paragraph and inserting the following:
- “This Plan contains seven land use designations. It is intended that development will occur in accordance with the policies of the Land Use Designations as shown on Schedule ‘A’, A1 and A2 of this Plan.”
- Item 6:** A new Appendix A is to be attached to the Official Plan, to be identified as “Appendix A: The Unimin Waterfront Lands Master Plan”.
- Item 7:** A new clause ‘b’ is added to Section 8.4.3, and it shall read as follows:
- “8.4.3 b) WATERFRONT MIXED-USE 1 and WATERFRONT MIXED-USE 2 designations as set out in Schedule ‘A1’ to this Plan.”
- Item 8:** A new clause ‘b’ is added to Section 8.8.8, and it shall read as follows:
- “8.8.8 b) The WATERFRONT MIXED-USE designation as identified on Schedule ‘A’ to this Plan.”

Item 9: A new section of policy is added, to be identified as Section 8.10.5, and it shall read as follows:

“8.10.5 Council shall pass a By-law designating the lands designated Waterfront Mixed-Use on Schedule ‘A’ as a Community Improvement Area, and shall prepare a Community Improvement Plan. The Community Improvement Plan shall consider a number of financial incentive programs, including, but not limited to:

- Tax increment financing;
- A per unit grant for the production of housing;
- Site remediation grant;
- Waiver/reduction of Development Application Fees and/or Development Charges for development proposals that incorporate Alternative Design Standards and/or energy efficient/sustainable design features; and/or,
- Reduction of parking requirements.”

Item 10: An Amendment to the first paragraph of Section 8.18.2, by deleting the first sentence and replacing it with the following:

“8.18.2 A proponent will be required to participate in a Consultation Meeting prior to the submission of an application for a Plan of Subdivision, a Plan of Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Provisional Consent, a Development Permit Application and/or a Site Plan.”

Item 11: A new section of policy is added to be identified as “Section 8.21.4 Waterfront Development Fund, and it shall read as follows:

“8.21.4 Waterfront Development Fund

“8.21.4.1 Council may establish a Waterfront Development Fund to be used to provide financial resources to implement any incentive program identified in the Community Improvement Plan for those lands designated Waterfront Mixed-Use on Schedule ‘A’. The Waterfront Development Fund may also be used to pay capital improvements on Town-owned lands abutting the water’s edge anywhere within the Town.”

Item 12: A new section of policy is added, to be identified as Section 8.24, and it shall read as follows:

“8.24 Development Permits

The *Planning Act* permits Council to implement a Development Permit System that is intended to combine Zoning and Site Plan Approval processes, as identified in Sections 8.2 and 8.8 of this Plan. The following areas of the Town are those that Council considers appropriate and where it may consider the implementation of a Development Permit System:

- a) WATERFRONT MIXED-USE designation as shown on Schedule ‘A’ to this Plan.

8.24.1 Objectives

- a) The objectives of the Town in implementing a development permit system include but are not limited to the creation of new and vibrant neighbourhoods in the Town, creation of an attractive public waterfront district, revitalizing the Downtown, creating a vibrant and attractive destination, rehabilitation of brownfield sites, the creation of civic squares, green spaces and multi-use trails and to provide for their interconnectivity, increasing diversity of arts, cultural and recreational opportunities and the protection of the natural environment.
- b) A Development Permit By-law shall clearly articulate and establish development and design requirements, provisions and standards which must be demonstrated to the satisfaction of the Town prior to the granting of any approval. The Development Permit By-law(s) will generally provide for a streamlined approach to the review and approval of development applications and allow for flexibility with a clearly articulated vision for the site or neighbourhood. The Development Permit By-law shall establish specific destinations on the basis of consistency with this Plan and, in the case of the WATERFRONT MIXED-USE designation, consistent with Appendix A to this Plan – *The Unimin Waterfront Master Plan*.

8.24.2 Application Requirements

- a) All applications for Development Permits are required to submit a full drawing and plan set which includes elevation and cross section drawings for any proposed building or structure. Council shall determine, in its Development Permit By-law, the detailed requirements for the submission of a complete application which will include, but not be limited to, matters of ownership, current planning controls, existing and proposed uses, location of natural features, proposed development details including proposed use and if any variations are requested, servicing and relating engineering matters, etc. The requirements of this Plan in respect to Complete Application and Supporting Studies shall apply to Development Permit applications.

- b) Technical reports, plans and studies may be required to assist in the review process of a Development Permit Application. The requirements for Complete Applications and supporting studies as set out in Section 8.18 of this Plan shall apply.

8.24.3 Discretionary Uses

- a) As shall be provided in the Development Permit By-law, a permit may be issued to permit, as a discretionary use, any use not specifically listed as a permitted use provided that the proposed use is similar and compatible with the listed permitted uses and would maintain the intent, principles, policies and objectives of this Plan.

8.24.4 Variations

- a) The Development Permit may allow for defined variations to the standards and regulations outlined in the Development Permit By-law. Such variations will only be permitted if they are consistent with the intent, principles, policies and objectives of this Plan.

8.24.5 Delegation of Approval Authority

- a) Council may delegate to staff the approval or issuance of Development Permits. Limits on and criteria for such delegation shall be established in the Development Permit By-law.

8.24.6 Conditions and Agreements

- a) The Town may impose conditions and grant provisional approval prior to final approval as set out in the Development Permit By-law.
- b) A Development Agreement, registered on title may be required prior to final approval for any Development Permit Application.
- c) As a condition of the approval of a Development Permit Application and as set out in the required Development Agreement, the Town may require the owner to provide to the satisfaction of and at no expense of the Town any or all of road widenings, facilities for access to and from the lands such as ramps, curbing and traffic signals, off-street parking and loading facilities, walkways and ramps, facilities designed to have regard to the accessibility for person with disabilities, lighting of any land or buildings, vaults and enclosures for the storage of waste and recycling materials, easements for engineered services and public utilities, and the grading of the lands including the provision of stormwater management controls and facilities. The agreement may also include, but shall not be limited to, the provision of public benefits, maintenance of the works, securities and insurance, timing of construction including commencement and completion, fees, and cash-in-lieu of parking and/or parkland dedication.

Item 13: A new Section of policy is added to be identified as “Section 3.7 Waterfront Mixed-Use” to be inserted into the Official Plan, in sequence, following Section 3.6 Restricted Rural as follows:

“3.7 Waterfront Mixed-Use

The Waterfront Mixed-Use designation is intended to guide and transform this important site on Midland’s waterfront into a mixed-use, pedestrian-orientated, accessible neighbourhood, part of an overall town-building opportunity for the Town of Midland.

The policies contained within this Section are intended to support a site-specific, mixed-use development that complements the Downtown and existing surrounding neighbourhoods, improves public access to the waterfront, provides a network of parks and open space, respects the local environment and promotes high-quality design and energy efficient/sustainable building practices.

The intent of the Waterfront Mixed-Use designation is based on a site specific and detailed planning study. *The Unimin Waterfront Lands Master Plan* was adopted by Council in June 2013. The Master Plan is a key document that, along with this Plan, will provide further guidance concerning urban design and built form to direct and manage development within the Area for long-term implementation. It is a policy of this Plan that all new development on the site where this Waterfront Mixed-Use designation applies shall be consistent with *The Unimin Waterfront Lands Master Plan* included with this Plan as Appendix A.

Further, the policies of this Section of this Plan are to be read in their entirety and in conjunction with all other policies of this Plan, including the interpretation policies. All the policies of this Plan shall be applied. Where there is a contradiction or conflict between the policies of this Section of this Plan, and any other policy of this Plan, the policies of this Section of the Plan shall apply.

3.7.1 Principles

The following principles express key directions for protecting and enhancing the core qualities that will define the future development within the Waterfront Mixed-Use designation. It is the objective of the designation:

- a) To attract a broad range of residential, commercial and retail uses as well as water-based recreation and tourism-related uses, which will be developed to the highest architectural standard in an energy efficient and sustainable manner, and in a way that protects water resources and waterfront features.
- b) To promote the development of a complete community that includes a diversity of housing options, amenities, parks and community facilities, as well as an array of employment opportunities close to where people live.

- c) To support and complement Downtown Midland and to be compatible with existing residential neighbourhoods.
- d) To support and encourage the development of a healthy community by ensuring the built environment provides opportunities for Active Transportation and social interaction, including linking to the existing public trail networks, and providing easy and open public access to the water's edge.
- e) To support and encourage reasonable public access to all areas of the Waterfront Mixed-Use Area, for the benefit of the general populace of Midland.

3.7.2 General Policies

- a) All new development shall be of the highest design and environmental standards.
- b) New development shall encourage the area as a waterfront tourist destination.
- c) The Town, along with private partners, shall ensure that a public multimodal trail be provided along the length of the Subject Site's waterfront, and that the lands adjacent to the water's edge be in public ownership for the long-term.
- d) All new development shall ensure and maintain public access to the waterfront, multimodal trail, public parks and open spaces while maintaining the liveability and character of the area.
- e) The Town shall consider all new development proposals in the interest of long-term sustainable town-building rather than short-term financial implications.
- f) The Water Lot Area may have sections accessible to transient boaters to moor boats and access the water at the discretion of the Town, and in conformity with all applicable policies and requirements.
- g) Any new development shall only proceed following the preparation of a Shoreline Condition Report and Shoreline Rehabilitation Plan, prepared to the satisfaction of the Town.
- h) Any new development shall only proceed following the preparation of comprehensive Site Plan and Urban Design Guidelines for the entire site. The Site Plan and Guidelines will outline and illustrate how the Official Plan goals and objectives for the public realm and built form will be achieved within the site and its relationships to the surrounding area. They will also provide specific, actionable and measurable directions for development to achieve these goals and will be flexible to accommodate change as it occurs while maintaining intact the essential urban ideas.
- i) All new development proposals shall be subject to a Development Permit, or Site Plan Approval and may also be evaluated through a Design Review Process, as

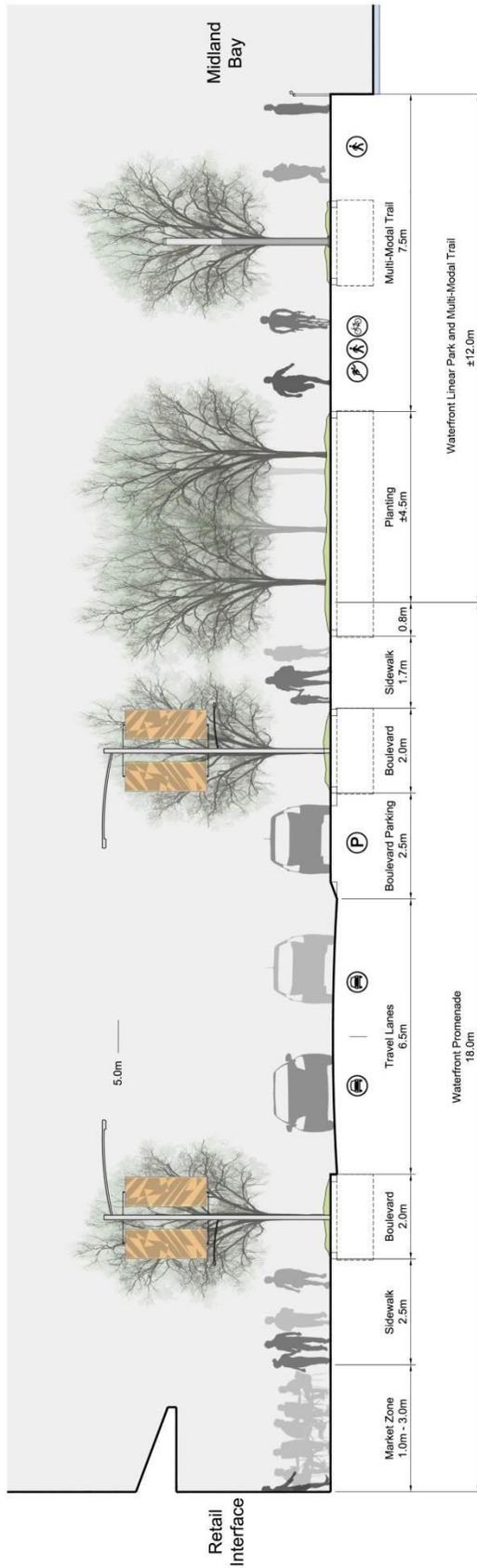
established by the Town. The Town, at its discretion, may require an Architectural Control process to be undertaken to provide design criteria that must be met to ensure consistent, high quality architectural outcomes including, but not limited to, architectural details, building materials and colour.

- j) All new development shall only proceed following the preparation of a Master Servicing Study, prepared to the satisfaction of the Town, that identifies appropriate approaches to the provision of sewer, water and stormwater management facilities.
- k) The entire site may be designated a Community Improvement Project Area, where a Community Improvement Plan may be prepared to help facilitate financial incentive programs to private sector partners.
- l) Energy efficient building design and other conservation measures shall be incorporated in the design of new buildings through effective use of insulation, alternative energy sources, vegetation, and the design of streetscapes. All new development shall be encouraged to be built to the following requirements for sustainability:
 - i) LEED Silver, or equivalent alternative to the satisfaction of the Town, prior to and including 2021; and, LEED Gold, or equivalent alternative to the satisfaction of the Town, from 2022 up to and beyond 2031;
 - ii) For, grade-related residential buildings, achieve a minimum performance level that is equal to an ENERGY STAR® standard; and,
 - iii) For mid-rise and taller residential and non-residential buildings, achieve 25% greater energy efficiency than the Model National Energy Code for Buildings.
- m) The Town will permit, promote and encourage the use of Alternative Development Standards for all developments within the Waterfront Mixed-Use designation. Proposals for the use of Alternative Development Standards shall be subject to the satisfaction of the Town.
- n) Key View Corridors shall be maintained and reinforced throughout the Site to Georgian Bay.
- o) Roadways and land use designation boundaries as identified on Schedule 'A1', shall be considered flexible, in accordance with the interpretation policies of this Plan. Minor modifications to the land use designation boundaries and the road pattern, to the satisfaction of the Town, may be permitted without the need for an Official Plan Amendment.
- p) Gateways at key locations and/or major access points to the neighbourhood identified on Schedule 'A1', shall receive special landscape and/or architectural treatment. Gateway features shall be landmarks offering a unique opportunity to

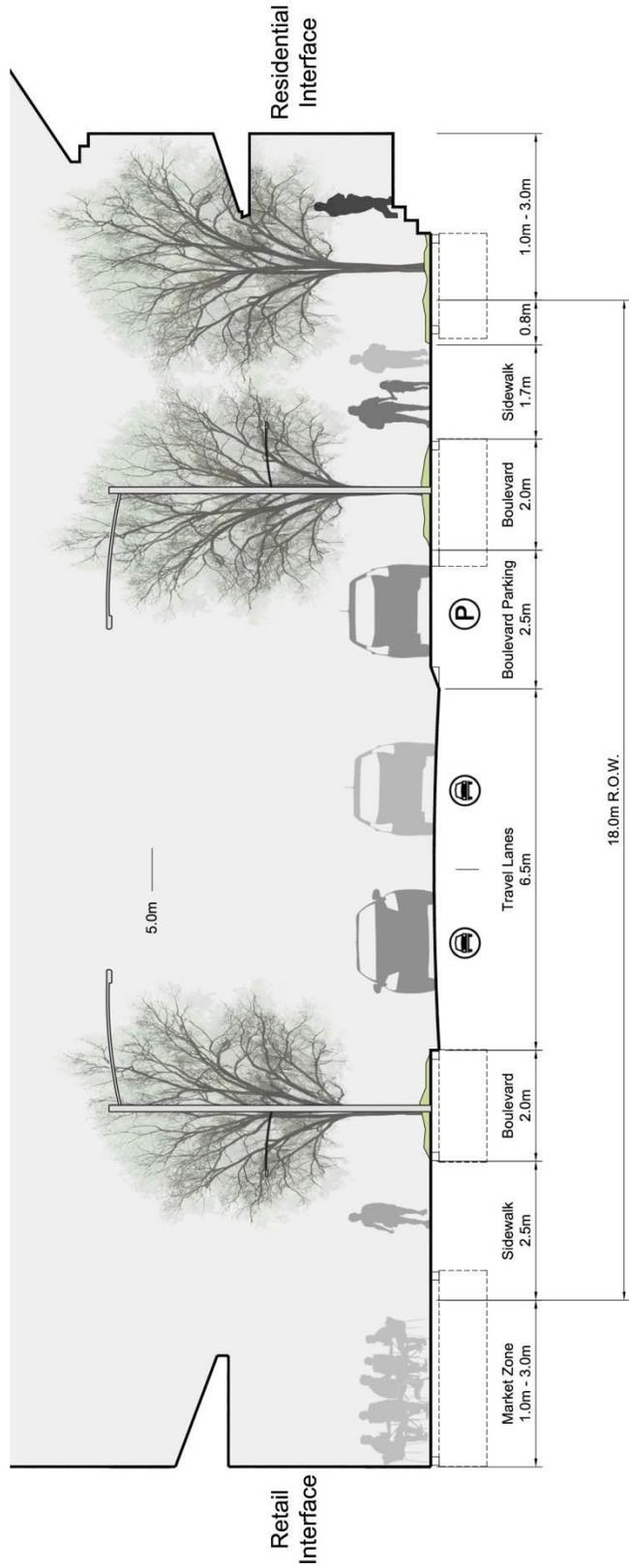
create visual interest from greater distances, and if designed with distinction, can act as effective orientating devices where people can gauge their relative location in the Town.

- q) Public Art shall be promoted and encouraged in visually strategic locations throughout the Site to enhance the public realm and serve as a wayfinding tool.
- r) Wherever possible, Mid-Block Connections shall be promoted and encouraged to ensure ease of movement through the Site for pedestrians and cyclists.
- s) This Plan promotes alternative parking standards that will be established within the implementing zoning by-law(s). Reduced parking standards, shared parking and/or communal parking lots may be considered in order to encourage development which might otherwise not be possible or practical. Cash-in-lieu or the exemption from cash-in-lieu for parking may be considered by Council. See Section 8.5 of this Plan for additional policies.
- t) The development of the road pattern identified on Schedule 'A1' shall be consistent with the following road cross-sections for the Waterfront Promenade, the Local Streets and Park Mews typologies:

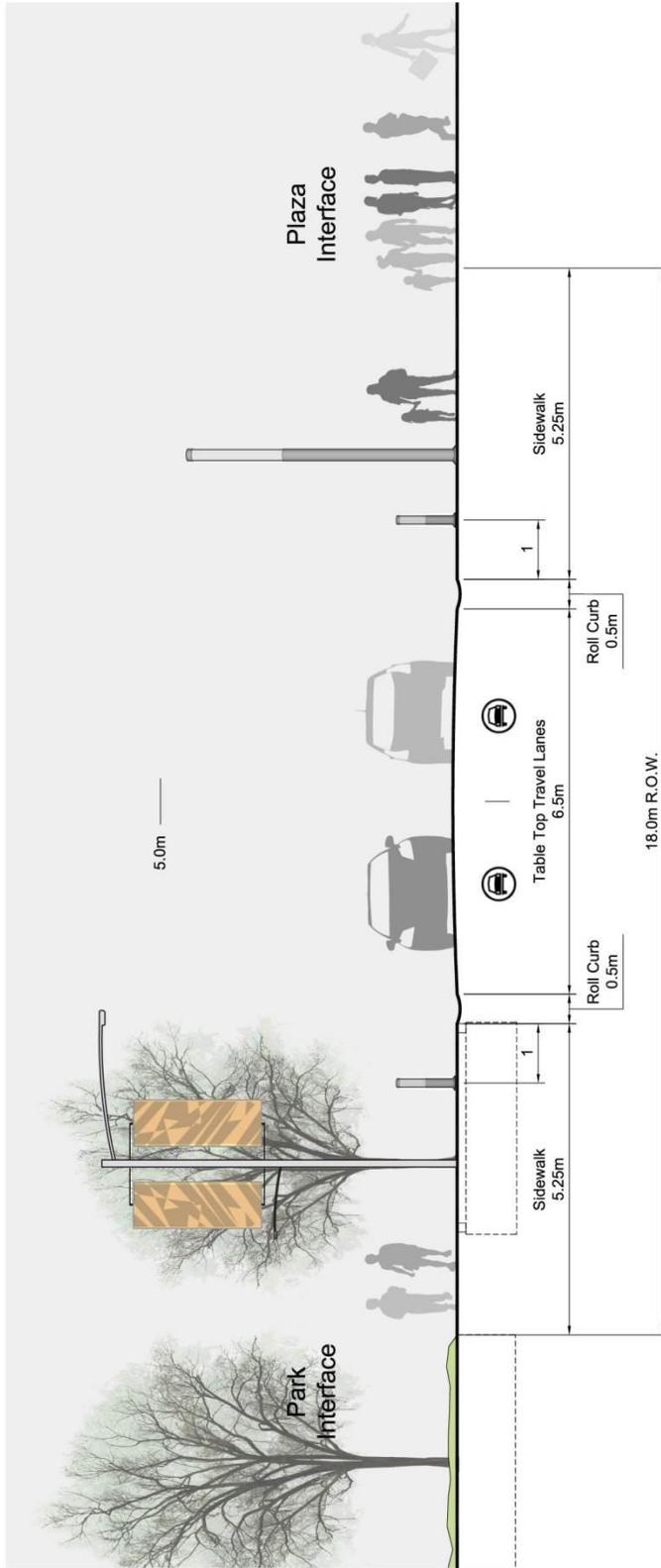
Waterfront Promenade



Local Streets



Park Mews



3.7.3 Detailed Policies

- a) Schedule 'A1' to this Plan identifies a more detailed land use pattern for the lands designated Waterfront Mixed-Use.

3.7.3.1 Mixed-Use 1

- a) The Mixed Use 1 component of the Site is intended to accommodate a vibrant waterfront mixed-use area that supports a diverse mixture of uses including retail, commercial, civic buildings and/or hotels and office buildings complemented by low and mid-rise residential buildings including townhouses and apartments.
- b) The list of permitted uses for this component of the Site include:
 - i) Downtown-compatible, higher density buildings with a diverse mix of uses including at-grade retail and service commercial uses with above-grade residential dwelling units and/or office uses;
 - ii) Civic buildings, hotels and/or other tourism-related buildings;
 - iii) Parks and urban squares, mid-block connections and trails; and,
 - iv) Public and private utilities and infrastructure.
- c) The following general design policies apply for this component of the site:
 - i) All primary building entrances shall directly access the street and sidewalk;
 - ii) Building entrances shall be prominent in the design of the façade using techniques such as height, massing, overhang, punctuation and/or change in roof line;
 - iii) Facades will be articulated using horizontal tiers to express a base, middle and top;
 - iv) Where retail is provided at grade, ensure vertical articulation with narrow storefronts and provide for weather protection;
 - v) Street frontages at key corners shall be further articulated through massing, entrances and/or distinctive architectural elements;
 - vi) All facades facing streets shall be articulated through entrances, windows, architectural details and/or signage to provide pedestrian interest;
 - vii) Communal parking shall be provided in rear yard surface lots, below-grade garages, on-street and/or above-grade garages;

- viii) Above-grade garages shall be visually concealed from public streets;
 - ix) Vehicular access to parking shall, where possible, be located to the side or rear of sites to minimize the impact on primary streetscapes and pedestrians;
 - x) Front facing garages and parking in front yards is prohibited; and,
 - xi) Loading, storage, and utilities shall be concealed and/or out of view from public streets.
- d) For those areas identified symbolically on Schedule 'A1' with the letter A, the following additional development policies apply:
- i) Mid-rise apartments or office buildings are permitted, and buildings may include mixed-uses within a single building, with at-grade retail and/or service commercial uses;
 - ii) Buildings should be a minimum of 4 storeys, or 12.5 metres. Maximum permitted heights are 6 storeys, or 24.5 metres, whichever is less. The first floor shall be a minimum of 4.5 metres to accommodate retail or other commercial uses;
 - iii) Additional building heights may be permitted in exchange for public benefits through Section 37 of the Planning Act, and shall be subject to a test of compatibility, to the satisfaction of the Town; and,
 - iv) Private open space amenity areas for new residents shall be provided in the form of patios, decks, balconies and rooftop gardens.
- e) For those areas identified symbolically on Schedule 'A1' with the letter B, the following additional development policies apply:
- i) Mixed-use buildings with a civic/public focus are permitted adjacent to the hardscaped civic square/multi-purpose public space. Development may include a mixture of uses within a single building, including at-grade service commercial, civic and retail uses. Residential uses may only be permitted above grade; and,
 - ii) Buildings shall be a maximum height of 3 storeys, or 9 metres, whichever is less.
- f) For those areas identified symbolically on Schedule 'A1' with the letter C, the following additional development policies apply:
- i) Townhouses, low-rise apartments and buildings with a mixture of residential, office and retail uses are permitted;

- ii) Buildings shall be a minimum height of 2 storeys, or 6 metres. Maximum permitted heights are 3 storeys, or 10.5 metres, whichever is less for townhouses, and a maximum of 4 storeys, or 14 metres, whichever is less for low-rise apartment buildings; and,
- iii) For mixed-use buildings, the at grade floor to ceiling height shall be a minimum of 4.5 metres.

3.7.3.2 Mixed-Use 2

- a) The Mixed Use 2 component of the site is intended to accommodate a waterfront residential neighbourhood that allows low-rise residential buildings and a lower density form of housing with limited commercial uses. This component of the Site accommodates significant open space to complement the existing residential neighbourhood.
- b) Permitted uses include lower-scale mixed-use, predominantly residential uses with neighbourhood-oriented commercial uses such as local convenience stores and live-work units. The residential built form permitted includes townhouses or stacked townhouses.
- c) The following general development policies are applicable within the Mixed-Use 2 component:
 - i) Neighbourhood-orientated commercial uses should address the adjacent street;
 - ii) Live-work units shall be fully contained units with the work space at-grade, facing the street;
 - iii) Townhouse or stacked townhouse entrances shall be prominent in the design of the façade using techniques such as porches, overhangs, architectural punctuation and/or change in roof line;
 - iv) Visible facades of the corner end units shall be addressed with a 'frontal' appearance on both street frontages such as entries, wrap-around porches and windows;
 - v) Communal parking should be provided in rear surface lots or in below-grade garages;
 - vi) Front facing garages and parking in front yards are prohibited; and,
 - vii) Additional resident and visitor parking shall be provided on-street.

- c) The following additional policies shall apply to townhouse developments:
 - i) Buildings shall be a minimum height of 2 storeys, or 6 metres. The maximum permitted height is 3.5 storeys, or 12.5 metres, whichever is less;
 - ii) The design of the buildings shall be varied and/or articulated to provide visual interest to pedestrians; and,
 - iii) Individual resident parking shall be provided by rear accessed detached or attached garages, in rear yard or below grade communal parking lots.
- d) The following additional policies shall apply to stacked townhouse developments:
 - i) Units shall be orientated to the street and/or private or public open spaces;
 - ii) The design of the buildings shall be varied and/or vertically articulated to provide visual interest to pedestrians; and,
 - iii) Individual resident parking shall be provided by rear accessed attached garages, in rear yard or below grade communal parking lots.

3.7.3.3 Waterfront Parks and Open Space

- a) The Waterfront Parks and Open Space Designation provides a framework for an open space system that offers programmed and passive areas, hardscapes and green parks and multi-modal trails. Together, these diverse open spaces and trails will serve the varying year-round needs of residents and visitors and contribute to the vitality of the Site. All parks and open spaces link into the Town's existing open space system.
- b) Permitted uses in this designation include passive and active recreation uses, playgrounds, conservation areas, nature, multi-modal trails, waterfront promenade, and public art. Small-scale commercial uses, complementary to the recreational function of the area may be permitted by the Town, subject to an appropriate Development Permit, or Zoning By-law.
- c) The following development policies shall apply:
 - i) A landscaped public square shall be located adjacent to the waterfront to act as a neighbourhood focal point and gathering space and should be framed by buildings and at-grade that include service commercial, civic and retail uses;
 - ii) Other park components shall be located in key locations to provide green amenity spaces for residents;

- iii) A series of Linear Parks and Multi-Modal Trails should be located along the waterfront, the water's edge and adjacent to Bayshore Drive to accommodate passive uses and serve as connector routes for pedestrians and cyclists to link to existing trails;
- iv) Any Open Space deemed not suitable for urban recreation use shall be considered for natural regeneration and wildlife habitats, and shall not be acceptable as part of the required parkland dedication;
- v) Parkland shall be dedicated to the Town at a rate of 1 hectare per 300 dwelling units, and at a rate of 2 percent of the gross land area for all non-residential development; and,
- vi) The Town may consider innovative techniques related to the provision of parkland, for example, park space may be provided on top of below-grade parking garages or stormwater management facilities. Where appropriate, strata agreements may be used to secure public ownership of parks built on top of privately owned structures.

3.7.4 Noise Policy Framework for the Subject Site

3.7.4.1 Introduction:

- a) The Town of Midland has an evolving, multi-functional waterfront that includes the ADM facility, from which noise from the operations of the facility and vibrations from low frequency sound emitted by the shipping activity have the potential to impact sensitive land uses that may be developed on the Subject Site.
- b) In accordance with the Provincial Policy Statement, it is therefore the purpose of this Section of this Plan is to:
 - i) First, to ensure the long-term operation, viability and economic role of the ADM facility is appropriately considered as the Midland waterfront continues to evolve; and
 - ii) Second, to ensure that the future development of the Subject Site is appropriately designed and adequately buffered from the ADM operations and shipping activities in order to mitigate any potential adverse effects from noise and/or vibration.

3.7.4.2 Definition of Sensitive Land Uses:

- a) For the purposes of this Plan, sensitive land uses and Points of Reception are to be defined as they are defined in the Provincial NPC-300 Guideline document. Only sensitive land uses and Points of Reception will require appropriate noise and/or vibration attenuation.

- b) Public open spaces, including parks, urban squares and waterfront promenades are not considered sensitive land uses or Points of Reception for the purposes of this Section of this Plan.

3.7.4.3 Policies that Apply to All Development on the Subject Site:

- a) The Subject Site is designated by the Town as a Class 4 Site, pursuant to the Provincial NPC-300 Guideline. Designating the Subject Site as Class 4 pursuant to the NPC-300 Guideline establishes a higher acceptable noise level for the Subject Site which recognizes its integration as part of a multi-functional waterfront that includes an active industrial facility. However, such integration may still require noise and/or vibration attenuation design features and warning clauses to be incorporated into future planning approvals in accordance with the policies set out in this Section of this Plan.
- b) The lines that establish the Noise Impact Precincts on Schedule A2, as well as the policy framework articulated within this Section of this Plan will be reviewed in conjunction with the periodic review of this Plan, as required under the Planning Act, or at any time, subject to the discretion of the Town.

3.7.4.4 Policies for Vibration Impacts due to Low Frequency Sound from Shipping Activities:

- a) The Town will address the potential undue, adverse vibration impacts due to low frequency sound for all building facades that incorporate a sensitive land use and a Point of Reception with direct exposure to Midland Bay by requiring that:
 - i) Façade construction be brick veneer, or masonry equivalent, with a minimum thickness of 10.16 cm (4 inches);
 - ii) Central air conditioning is provided so that windows can remain closed;
 - iii) Windows are not greater than 50 percent of any affected facade surface on a room by room basis. Glass doors or sliding glass are considered the same as windows;
 - iv) Windows shall have a test report from an independent testing lab, where all of the following conditions are met:
 - > The window, including the frame, was appropriately tested;
 - > Operable vents for natural ventilation are not permitted unless they are part of the tested window assembly;
 - > The tested window construction matches the installed window, including fixed and operable sections;

- > The surface area of the installed window unit does not exceed that of the tested window size by more than 20 percent;
 - > The test lab report demonstrates an STC of 35 or higher using the ASTM E90 standard or equivalent; and
 - > The test lab report also indicates a transmission loss of 23 dB or higher at 63 Hz;
- v) Techniques to minimize the potential for noise induced vibration should be employed, including, but not limited to: caulking or gasketing of metal to metal joints; closer spacing of fasteners; and/or, heavy materials such as concrete or masonry); and
- vi) If possible, intake or exhaust air openings associated with noise sensitive spaces should not be located on the facades with direct exposure to Midland Bay. If openings must be included, the design should be done such that the openings do not significantly degrade the sound isolation of the affected façade.
- b) Where construction techniques or building materials are proposed that are different than those identified above, the Town shall require, prior to construction, that the applicant carry out an Acoustic Performance Report, utilizing the accepted Acoustic Model, that will ensure that the proposed alternative construction techniques or building materials will adequately attenuate, to a standard not less than provided by the policies of this Plan, any undue, adverse vibration impacts due to low frequency sound. The standard used for an appropriate interior sound level is PNC 25.
- c) Following construction, the Town shall require that the applicant provide confirmation through reviews and on-site visual confirmation by a Professional Engineer that the approved techniques and materials have been properly installed in accordance with the standards identified in this Plan.

3.7.4.5 Policies for Noise Impacts with respect to the ADM Operation:

- a) With respect with the potential undue, adverse noise impacts related to the ADM operations, the Subject Site is subdivided into 2 Noise Impact Precincts, each with a corresponding policy framework. These 2 Noise Impact Precincts are identified on Schedule A2, and the associated policy framework is described in the text that follows.
- b) Noise Impact Precinct 1 – Noise Greater than 55dBA:
 - i) Buildings and associated outdoor living areas that are identified as sensitive land uses and Points of Reception within Noise Impact Precinct 1, as identified

on Schedule A1, are likely to be adversely impacted by noise and/or vibration from the ADM operations and shipping activities. As such, the development of sensitive land uses within Noise Impact Precinct 1 may only be permitted where it has been demonstrated, to the satisfaction of the Town in consultation with ADM, that there will be no undue, adverse impacts on the long-term function of the ADM operations;

- ii) All applications for any development that includes a permitted sensitive land use and Point of Reception within Noise Impact Precinct 1 shall be required to carry out a Noise Impact Study to ensure that new development is appropriately designed to attenuate the undue, adverse impacts of noise and/or vibration from the ADM operations and shipping activities;
 - iii) The following indoor noise standards shall be utilized for the purposes of designing the necessary attenuation technique(s) for all sensitive land uses within Noise Impact Precinct 1: NC 30 and 40dBA; and
 - iv) This Plan also establishes an outdoor living area noise standard within Noise Impact Precinct 1 of 55dBA. This outdoor noise standard is to be achieved for any outdoor living area defined as a Point of Reception.
- c) Noise Impact Precinct 2 – Noise Less than 55dBA:
- i) Sensitive land uses with Points of Reception proposed within Noise Impact Precinct 2, as identified on Schedule A2, are not adversely impacted by noise from the ADM operations, and there is no general requirement for a Noise Impact Study, nor are there any noise-related restrictions on development approvals for any permitted use within Noise Impact Precinct 2, except that for all permitted sensitive land uses, central air conditioning be provided.

3.7.4.6 Implementation

- a) All further planning approvals shall be implemented in conformity with the following:
 - i. All further planning approvals for new development on the Subject Site shall be based on an Acoustic Model, including the associated assumptions used within the model, developed for ADM and accepted by the Town. Any changes to the accepted Acoustic Model shall require the prior approval of the Town, in consultation with representatives of ADM;
 - ii. All Noise Impact Studies and/or Acoustic Performance Reports required by the policies of this Plan shall utilize the accepted Acoustic Model and shall be carried out by a Professional Engineer, to the satisfaction of the Town, in consultation with representatives from ADM;

- iii. The Town, at its discretion, may carry out a peer review of any Noise Impact Study and/or any Acoustical Performance Report, the cost of which shall be paid on behalf of the Town by the applicant, and shall, if required, be a necessary element of a complete application;
- iv. Noise and/or vibration attenuation requirements or techniques, as identified in either a Noise Impact Study and/or an Acoustical Performance Report, that has been accepted by the Town, will be secured through the implementing Zoning By-law, and/or Site Plan Agreement, and/or any other legally binding agreement acceptable to the Town; and
- v. In recognition of the potential for noise and/or vibration impacts from either the ADM operations, and/or the shipping activity, the Town will require that there be formal warning notices of the Subject Site being classified Class 4 and the identified harbour activities included in all purchase and sale (or rental/lease) agreements and for registration on title for all properties or condominium units that are identified as a sensitive land use and Point of Reception by the policies of this Section of this Plan.

PART C – THE APPENDICES

1. The Unimin Waterfront Lands Master Plan.